

## CALIFORNIA LEGISLATURE

2011–12 REGULAR SESSION

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# SENATE DAILY JOURNAL

ONE HUNDRED THIRTY-EIGHTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Wednesday, January 18, 2012

The Senate met at 9:30 a.m.

Hon. S. Joseph Simitian, of the 11th District, presiding.

Secretary Greg Schmidt at the Desk.

Assistant Secretary Zachary L. Twilla reading.

### QUORUM CALL OF THE SENATE

Without objection, a quorum call was placed upon the Senate.

The President directed the Sergeant at Arms to close the doors and to bring in the absent Members.

### PROCEEDINGS UNDER QUORUM CALL OF THE SENATE

#### ROLL CALL

The roll was called and the following Senators answered to their names:

Alquist, Anderson, Blakeslee, Cannella, Corbett, Correa, De León, DeSaulnier, Dutton, Emmerson, Evans, Fuller, Gaines, Hancock, Harman, Hernandez, Huff, Kehoe, La Malfa, Leno, Lieu, Liu, Lowenthal, Negrete, McLeod, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, Wyland, and Yee—37.

Quorum present.

*(NOTE: Senator Berryhill will be excused this day on personal business and Senators Calderon and Runner will be excused this day due to illness.)*



**PRAYER**

Prayer was offered by the Chaplain, Rabbi Mona Alfi:

It seems to be a favorite pastime of many Americans to poke fun of politics and politicians. However, when we do that, we only mock ourselves. For as William Penn said: "Governments, like clocks, go from the motion that men give them."

We the people are the government. If the government is running well, it is because of the effort that we put into it. If it is not working well, then we must also take the blame. Those who are elected into office, those who work for the state, as well as those of us who serve simply as citizens, we are the motion that makes this government run.

May it be the will of the Creator to grant us the ability to run our government with prudence, pride and responsibility. May this be God's will.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Senator Alquist led the Senate in the pledge of allegiance to the Flag.

**CONSIDERATION OF DAILY FILE****SECOND READING OF SENATE BILLS**

**Senate Bill 630**—An act to add Section 1317.10 to the Health and Safety Code, relating to health facilities, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 901**—An act to amend Section 44125 of, and to amend the heading of Article 11 (commencing with Section 44125) of Chapter 5 of Part 5 of Division 26 of, the Health and Safety Code, relating to air pollution.

Bill read second time, ordered engrossed, and to Consent Calendar.

**Senate Bill 633**—An act to add Section 16728 to the Government Code, relating to bonds.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 323**—An act to amend Sections 9653.6, 17900, and 23405.2 of the Business and Professions Code, to amend Section 708.310 of the Code of Civil Procedure, to amend Sections 171.03, 171.3, 1113, 1152, 1157, 2113, 6019.1, 8019.1, 12540.1, 15911.03, 15911.08, 16903, 16908, 16911, and 25005.1 of, to add Section 17657 to, and to add Title 2.6 (commencing with Section 17701.01) to, the Corporations Code, to amend Section 12262 of the Government Code, to amend Section 1192.95 of the Insurance Code, to amend Sections 19141 and 23332 of the Revenue and



Taxation Code, and to amend Section 1116 of the Unemployment Insurance Code, relating to limited liability companies.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1**—An act to amend Section 4351 of the Food and Agricultural Code, relating to the State Race Track Leasing Commission.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 345**—An act to amend Sections 9701, 9710.5, 9712, 9713, 9714, 9714.5, 9716, 9717, 9719, 9720, 9722, 9724, 9726, 9726.1, and 9740 of, and to add Sections 9716.10 and 9716.11 to, the Welfare and Institutions Code, relating to public social services.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 383**—An act to repeal Sections 19850.5 and 19850.6 of the Business and Professions Code, and to amend Sections 326.3 and 326.5 of the Penal Code, relating to bingo, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 447**—An act to add Section 50964 to the Health and Safety Code, relating to housing.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 625**—An act to amend Sections 6701, 6722, 6727, 6728, 6761, 6901, 6902, 6903, 6904, 6921, 6922, 6923, 6925, 6961, and 6968 of the Food and Agricultural Code, relating to agriculture.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 661**—An act to add Section 594.37 to the Penal Code, relating to picketing.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 708**—An act to amend Sections 2923.5, 2923.6, 2924.8, and 2929.3 of the Civil Code, and to amend Section 1161b of the Code of Civil Procedure, relating to mortgages.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 721**—An act to add Chapter 13 (commencing with Section 67050) to Part 40 of Division 5 of Title 3 of the Education Code, relating to postsecondary education.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 749**—An act to add Section 14521.5 to the Government Code, relating to transportation.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 778**—An act to add Section 25600.1 to the Business and Professions Code, relating to alcoholic beverages.

Bill read second time, ordered engrossed, and to third reading.



**SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill 389**—An act to add Article 5 (commencing with Section 125286.10) to Chapter 2 of Part 5 of Division 106 of the Health and Safety Code, relating to genetic diseases.

Bill read second time and ordered to third reading.

**Assembly Bill 1301**—An act to amend Section 22958 of, and to repeal and add Section 22974.8 of, the Business and Professions Code, and to amend Section 308 of the Penal Code, relating to cigarettes and tobacco products.

Bill read second time.

The amendments proposed by the Committee on Governance and Finance were read and adopted and the measure ordered printed, and re-referred to the Committee on Rules.

**JOINT RULE 62(a) SUSPENDED**

Without objection, Joint Rule 62(a) was suspended for the purpose of allowing the Committee on Appropriations to meet and hear measures on Thursday, January 19, 2012, without two days notice in the Daily File.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day due to personal business: Senator Berryhill.

The following Senators were granted leaves of absence for the day due to illness: Senators Calderon and Runner.

**FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE  
SENATE DISPENSED WITH**

At 9:37 a.m., on motion of Senator Steinberg, further proceedings under the quorum call of the Senate were dispensed with.

**MOTION TO ADJOURN**

Senator Steinberg moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Thursday, January 19, 2012.

Motion carried.



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**IN JOINT CONVENTION**  
**2012 State of the State Address**

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Assembly Chamber, Sacramento  
Wednesday, January 18, 2012

At 9:47 a.m., the Senate and Assembly met in Joint Convention.

Hon. John A. Pérez, Speaker of the Assembly, presiding.

(NOTE: For text of State of the State Address see Assembly Journal for Wednesday, January 18, 2012.)

**ADJOURNMENT OF JOINT CONVENTION**

At 10:36 a.m., there being no further business, Speaker Pérez, declared the Joint Convention adjourned *sine die*.

**REPORTS OF STANDING COMMITTEES**

**Committee on Appropriations**

Date of Hearing, January 17, 2012

Mr. President: The Committee on Appropriations, to which was referred:

SB 730

Reports the same back with the recommendation: Do pass as amended.

KEHOE, Chair

Above measure ordered to second reading.

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measures were introduced, read the first time and transmitted to the Committee on Rules for assignment:

**Senate Bill 971:** By Senator Cannella (Principal coauthor: Assembly Member Olsen) (Coauthors: Senators Berryhill and La Malfa)—An act to amend Section 25740 of the Public Resources Code, and to amend Sections 399.11, 399.12, 399.13, 399.14, 399.15, and 399.30 of the Public Utilities Code, relating to energy.

**Senate Bill 972:** By Senator Simitian—An act to amend Section 21083.9 of the Public Resources Code, relating to environmental quality.

**Senate Concurrent Resolution 60:** By Senator DeSaulnier—Relative to California Teen Safe Driving Week.



**MESSAGE FROM THE STATE BAR OF CALIFORNIA**

The following communication was ordered printed in the Journal:  
January 12, 2012

*Senator Darrell Steinberg*

*Senate Committee on Rules:*

Re: Notification of Appointment of Chief Trial Counsel of the State Bar of California As Required Under Business and Professions Code Section 6079.5

I am pleased to report that the Board of Governors of the State Bar of California has appointed Jayne Kim as the Chief Trial Counsel of the State Bar of California, effective January 6, 2012, a copy of the State Bar Board Resolution is attached. Ms. Kim's resume is also attached.

The appointment of the Chief Trial Counsel is subject to confirmation by the Senate and the time limits prescribed in Section 1774 of the Government Code.

If you have any questions, please me at (415) 538-2275 or joseph.dunn@calbar.ca.gov or the State Bar's legislative representative, Jennifer Wada at (916) 448-4000 or jennifer@thewgroupspa.com.

Sincerely,

JOSEPH L. DUNN  
Executive Director/CEO  
The State Bar of California

Above appointment referred to the Committee on Rules.

**REQUESTS TO ADJOURN IN MEMORIAM**

Senator Berryhill requested that when the Senate adjourns this day it do so in memory of Daisy Miller of Modesto and Mark Timmerman of Oakdale.

**ADJOURNMENT**

At 3:30 p.m., on motion of Senator Steinberg, the Senate adjourned until 9 a.m., Thursday, January 19, 2012.

PAULA K. ROSSETTO, Minute Clerk

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